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2 *E-FILED: February 27, 2013*
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NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THINK COMPUTER CORPORATION,

No. C11-05496 HRL

Plaintiff,

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S COUNSEL'S
MOTION TO WITHDRAW**

v.

[Re: Docket No. 45]

ROBERT VENCHIARUTTI, in his official capacity as Deputy Commissioner of the California Department of Financial Institutions; WILLIAM HARAF, in his official capacity as commissioner of the California Department of Financial Institutions; TRACI STEVENS, in her official capacity as Acting Secretary of the California Business, Transportation and Housing Agency; JACOB A. APPELSMITH, in his official capacity as Senior Advisor to the Governor of the State of California; EDMUND G. BROWN, JR., in his official capacity as Governor of the State of California; and KAMALA HARRIS, in her official capacity as Attorney General of the State of California,

Defendants.

Attorney Michael Brooks Carroll moves for leave to withdraw as plaintiff Think Computer Corporation's co-counsel of record. The court's docket indicates that Carroll is plaintiff's California counsel. Plaintiff is also represented by a Massachusetts attorney who has been admitted pro hac vice in this action. The court has received no objections to the request, and plaintiff stipulates to the withdrawal. Nevertheless, for the reasons stated below, the

1 request is denied.

2 “Counsel may not withdraw from an action until relieved by order of Court after written
3 notice has been given reasonably in advance to the client and to all other parties who have
4 appeared in the case.” CIV. L.R. 11-5(a). “In the Northern District of California, the conduct of
5 counsel is governed by the standards of professional conduct required of members of the State
6 Bar of California, including the Rules of Professional Conduct of the State Bar of California.”
7 Hill Design Group v. Wang, No. C04-521 JF (RS), 2006 WL 3591206 at *4 (N.D. Cal., Dec.
8 11, 2006) (citing Elan Transdermal Limited v. Cygnus Therapeutic Systems, 809 F. Supp. 1383,
9 1387 (N.D. Cal.1992)). Although no reason is given for Carroll’s request to withdraw, plaintiff
10 consents to it. And, the California standards of professional conduct provide that an attorney
11 may seek permission to withdraw if, among other things, the client knowingly and freely
12 assents to termination of the employment. Cal. Rules of Professional Conduct Rule 3-
13 700(C)(5).

14 Even so, plaintiff can only proceed through an attorney. See Civ. L.R. 3-9(b) (“A
15 corporation, unincorporated association, partnership or other such entity may appear only
16 through a member of the bar of this Court”); see also Rowland v. California Men’s Colony, 506
17 U.S. 194, 201-02 (1993) (“It has been the law for the better part of two centuries . . . that a
18 corporation may appear in the federal courts only through licensed counsel”); In Re Highley,
19 459 F.2d 554, 555 (9th Cir. 1972) (“A corporation can appear in a court proceeding only
20 through an attorney at law”). And, plaintiff’s Massachusetts counsel, appearing here on a pro
21 hac vice basis, must have co-counsel who is a member of the bar of this court in good standing
22 and who maintains an office within the State of California. CIV. L.R. 11-3(a)(3).

23 Accordingly, the request to withdraw is denied, without prejudice to renew it upon
24 plaintiff’s retention of other appropriate California counsel who enters an appearance on his
25 behalf in this matter.

26 SO ORDERED.

27 Dated: February 27, 2013


28 HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 5:11-cv-05496-HRL Notice has been electronically mailed to:
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